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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

NICOLETTE WERNICK NOMINEE
PARTNERSHIP; MARITAL GST EXEMPT
TRUST F/B/O NICOLETTE WERNICK
U/ARTICLE III OF THE HAROLD WERNICK
REVOCABLE TRUST DTD 9/16/1991, in its
capacity as a Partner of the Nicolette Wernick

Adv. Pro. No. 10-04616 (SMB)

Nominee Partnership; MARITAL GST NON-EXEMPT TRUST F/B/O NICOLETTE WERNICK U/ARTICLE III OF THE HAROLD WERNICK REVOCABLE TRUST DTD 9/16/1991, in its capacity as a Partner of the Nicolette Wernick Nominee Partnership; M. GORDON EHRLICH, in his capacity as managing partner of the Nicolette Wernick Nominee Partnership and as Trustee of the Marital GST Exempt Trust f/b/o Nicolette Wernick u/ Article III of the Harold Wernick Revocable Trust dtd 9/16/1991 and as Trustee of the Marital GST Non-Exempt Trust f/b/o Nicolette Wernick u/ Article III of the Harold Wernick Revocable Trust dtd 9/16/1991; NICOLETTE WERNICK, individually and in her capacity as partner of the Nicolette Wernick Nominee Partnership and as Trustee of the Marital GST Exempt Trust f/b/o Nicolette Wernick u/ Article III of the Harold Wernick Revocable Trust dtd 9/16/1991 and as Trustee of the Marital GST Non-Exempt Trust f/b/o Nicolette Wernick u/ Article III of the Harold Wernick Revocable Trust dtd 9/16/1991; and HOPE WIGMORE, in her capacity as Trustee of the Marital GST Exempt Trust f/b/o Nicolette Wernick u/ Article III of the Harold Wernick Revocable Trust dtd 9/16/1991 and as Trustee of the Marital GST Non-Exempt Trust f/b/o Nicolette Wernick u/ Article III of the Harold Wernick Revocable Trust dtd 9/16/1991,

Defendants.

NOTICE OF MEDIATOR SELECTION

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)¹ [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under

¹ All terms not defined herein shall be given the meaning ascribed to them in the Order.

the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on December 01, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

On October 3, 2011 Defendants filed a motion to dismiss this adversary proceeding [Dkt. No. 54] pursuant to Federal Rule of Civil Procedure 12(b)(6), made applicable by Bankruptcy Rule 7012 (a “Rule 12(b)(6) Motion”).

On May 28, 2014, the Trustee filed with this Court the Notice of Mediation Referral [Dkt. No. 57], pursuant to Paragraph 2D of the Avoidance Procedures, which specifies that upon the filing of a Rule 12(b)(6) Motion, the issues raised in such motion, together with the issues raised in the Complaint, are immediately referred to mediation. Avoidance Procedures, ¶2D.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures and the Mediation Order, made applicable to the Parties upon the filing of the Notice of Mediation Referral, the Parties hereby mutually select from the Mediation Register Judge Francis Conrad, to act as Mediator in this matter. The Parties further agree to contact Judge Conrad as soon as practicable after this Notice of Mediator Selection is filed with the Court.

The Parties further agree that no person shall act as Mediator if that person, or that person’s law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

Dated: June 18, 2014

Of Counsel:

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